

## REMARKS/ARGUMENT

### SUMMARY OF THE PRESENT AMENDMENT

In accordance with Rule 173(g), all of the amendments herein are relative to the issued patent -- not relative to the text that existed prior to the present amendment. Amendments other than those being presented for the first time herein were previously discussed in prior submissions. In the present amendment, applicant amends claims 22 and 23 to specify “25mM” as the upper limit of the range of citric acid/citric acid salt. In claims 41 and 42 (which depend from claims 22 and 23, respectively), the redundant recitation of the concentration range of citric acid/citric acid salt has been removed. A spelling error is corrected in claim 13. New dependent claim 45 (discussed in more detail below) has been added, reciting preservatives (supported, for example, by original claim 17).

### SUMMARY OF INTERVIEW SUBSTANCE UNDER M.P.E.P. § 713.04

On February 12, 2008, Applicant mailed a summary of the personal interview conducted on January 14, 2008, and that summary will not be repeated here. Subsequently, on February 13, 2008, Applicant submitted an Arrhenius curve and related information for further discussion. A telephonic interview was held between Examiner Haghighatian and Applicant’s representative, William O. Gray, III on April 28, 2008. The Examiner noted that the materials submitted on February 13, 2008, together with other information of record, established unexpected criticality for a 10-25mM concentration range of bioavailability enhancing agent, and hence allowability for claims that did not recite higher or lower concentrations of the bioavailability enhancing agent. This analysis was deemed relevant to all claims under rejection and to all prior art references cited in the most recent office action. Applicant agreed to change the clause “10 to

50 mM” in claims 22 and 23 to “10 to 25 mM, ” and to eliminate the resulting redundancy from claims 41 and 42 by eliminating the recitation of citric acid or citric acid salt concentration from claims 41 and 42. The Examiner indicated that these amendments to claims 22, 23, 41 and 42 would place the application in condition for allowance. These amendments have been made by applicant herein.

New claim 45 was not discussed at the interview, but is believed allowable because (1) it is dependent from (and hence narrower than) claim 16 which the examiner indicated would be allowable; and (2) it recites preservatives fully supported by the specification at claim 17 (thus avoiding new matter issues). If, however, the examiner disagrees with the foregoing analysis, or otherwise believes that new claim 45 will delay allowance of the application, the examiner is respectfully requested to alert the undersigned by telephone, in which case applicant will cancel claim 45.

#### RESPONSE TO ART REJECTIONS

Various claims stand rejected by the examiner as allegedly obvious over (1) Chiodini et al; (2) Grebow et al; (3) Grebow et al in view of Azria et al; and (4) Ventra. As noted in the Interview Summary above, however, the Examiner has agreed that Applicant has established unexpected criticality of Applicant’s recited concentration range of bioavailability enhancing agent. This criticality is neither disclosed nor suggested by the foregoing prior art references. Accordingly, it is urged that all of the obviousness rejections should be withdrawn.

#### SUBMISSION OF REISSUE INVENTOR’S DECLARATION

Finally, Applicant encloses another Supplemental Declaration for Reissue Patent Application to Correct “Errors” Statement (37 C.F.R. 1.175).

## CONCLUSION

It is believed that the application is now in condition for allowance. Issuance of a notice of allowance is solicited.

### EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EV933190307US) in an envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 8, 2008.

William O. Gray, III


Name of Person Mailing Correspondence

Signature

May 8, 2008

Date of Signature

Respectfully submitted,



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